IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 1329 OF 2004

Smt. Madhuri Sharad Barde.... Petitioner

versus

The Secretary,
Sharda Mandir Sanstha & ors..... Respondent.

Shri S.N.Masih for the petitioner
Shri A.A.Garge for respondents 1,2 & 4.

CORAM; A.P. DESHPANDE, J.
DATED; 2ND MARCH, 2007

P.C.;

1. By the present writ petition, the petitioner questiones the legality and validity of an order passed by the School tribunal. The petitioner was appointed as an Assistant teacher by an order of appointment dated 24th July 2000, retrospectivley from 22-6-1999 to 29-4-2000. The appointment order makes it clear that the appointment was made in a newly opened division of first standard. On completion of academic session, by notice of termination dated 29-3-2000 the petitioner was terminated from service with effect from 30-4-2000. The petitioner did not challenge the said termination for more than a year. When a leave vacancy existed sometime in July 2001, he applied for the same and was appointed for broken period of two months i.e. from 12-7-2001 to 18-9-2001. After discontinuous of the petitioner on

expiry of her appointment in a leave vacancy, she filed an appeal before the tribunal and the tribunal has found that the petitioner had accepted her first termination which effected from 30-4-2000 and after more than a period of one year she was appointed in a leave vacancy wherein she worked hardly for a period of two months. This service,in the opinion of the tribunal being in a leave vacancy did not confer any right on the petitioner to the post wherein she was appointed.

3. Perused the order passed by the tribunal. No fault can be found with the same. Thes writ petition is therefore, summarily dismissed.

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